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Attorney for Defendant EDWIN HONORIO MORALES-CORTES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CHRISTOPHER DANIEL KNOWLES,

Plaintiff,

vs.

EDWIN HONORIO CORTES, and DOES 1
through 10, inclusive,

Defendants.

CASE NO. 3:16-cv-05356-JSC

**JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED] ORDER**

The parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the Standing Order for All Judges of the Northern District of California dated July 1, 2011 and Civil Local Rule 16-9:

1. Jurisdiction and Service:

This is a personal injury case arising from a vehicle vs. vehicle collision that occurred on July 27, 2015 in San Francisco, California. Jurisdiction arises from diversity of citizenship: Defendant EDWIN HONORIO CORTES is domiciled in Puerto Rico. Plaintiff is domiciled in California. Defendant CORTES has been served and has filed an Answer.

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1 **2. Facts:**

2 This suit is brought by CHRISTOPHER DANIEL KNOWLES, who is seeking recovery for
3 injuries and damages. On July 27, 2015, plaintiff was operating his motorcycle westbound on
4 Market Street at or near its intersection with Douglass Street in San Francisco, California, when
5 defendant EDWIN HONORIO CORTES was operating a certain 2014 Hyundai automobile. The
6 vehicles collided in the intersection. Liability and the cause of the collision is in dispute.

7 Plaintiff was in good health before this accident causing an intra-articular fracture of the tibial
8 plateau and a horizontal tear of the posterior horn of the medial meniscus of his right knee, as well as
9 injuries to his head, right arm, right foot and back. He also suffered road rash. His activities have
10 and will continue to be altered because of ongoing accident-related pain.

11 **3. Legal Issues:**

12 The principal liability and damages issues, which are governed by California tort law, include:

13 Whether defendant was negligent.

14 If so, whether plaintiff was comparatively negligent.

15 If both were negligent, the percentage of their respective fault.

16 The amount of reasonable and necessary special damages attributable to the accident.

17 The amount of reasonable general damages attributable to the accident.

18 The nature and extent of Plaintiff's recoverable damages.

19 **4. Motions:**

20 The parties anticipate filing motions in limine.

21 **5. Amendment of Pleadings:**

22 Defendant filed an amended answer. The parties do not anticipate any further amendment of
23 the pleadings.

24 **6. Evidence Preservation:**

25 The parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored
26 Information. The parties confirm that they have met and conferred pursuant to Fed. R. Civ. P. 26(f)
27 regarding reasonable and proportionate steps to take to preserve evidence relevant to the issues
28 reasonably evident in this action.

1 7. **Disclosures:**

2 The parties will make their initial disclosures on or before the December 15, 2016 deadline.

3 8. **Discovery:**

4 Plaintiff and defendant will serve interrogatories, document requests and requests for
5 admissions. If liability is not admitted, plaintiff will depose defendant, the investigating officer and
6 the passenger in defendant's vehicle. Defendant will depose Plaintiff, and anticipates the need to
7 obtain an Independent Medical Examination of Plaintiff.

8 Defendant has subpoenaed plaintiff's medical and employment records.

9 The parties do not anticipate the need for an e-discovery order in this matter.

10 9. **Class Actions:**

11 This is not a class action.

12 10. **Related Cases:**

13 None.

14 11. **Relief:**

15 Plaintiff seeks the following monetary relief:

16 Medical Expenses: \$66,846.84

17 Wage-Loss: \$20,000.00 approx.

18 General Damages: \$500,000.00

19 Defendant seeks no damages in this action, other than dismissal and costs.

20 12. **Settlement and ADR:**

21 The parties have agreed to complete private mediation with Michael Ney, Esquire no later than
22 May 15, 2017. The parties anticipate that completion of the following discovery will be necessary
23 prior to mediation: written discovery, the deposition of Plaintiff and Defendant, and perhaps an
24 independent medical examination. The parties do not anticipate that any motions will be necessary
25 before mediation.

26 13. **Consent to Magistrate Judge for All Purposes:**

27 Both parties have filed a consent to proceed before a Magistrate Judge for all purposes.

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1 **14. Other References:**

2 None.

3 **15. Narrowing of Issues:**

4 The parties will attempt to narrow the issues through appropriate factual stipulations and
5 motions in limine.

6 **16. Expedited Scheduling:**

7 The parties do not agree that this case is appropriate for expedited trial procedures.

8 **17. Scheduling:**

9 The parties propose the following schedule:

10 Parties seek leave to add new parties or amend the pleadings: Jan. 30, 2017

11 ADR Completion Date: May 15, 2017

12 Non-expert discovery completion date: March 30, 2017

13 Expert disclosures: June 1, 2017

14 Rebuttal expert disclosures: June 25, 2017

15 Expert Discovery Cutoff: July 27, 2017

16 Motions Hearing Deadline: Sep. 20, 2017

17 Meet and confer re pretrial filings: Nov. 1, 2017

18 Pretrial filings due: Nov. 9, 2017

19 Oppositions, Objections, Exhibits, and Depo Designations due: Nov. 7, 2017

20 Final Pretrial Conference: Dec. 8, 2017

21 Trial: Jan. 22, 2018

22 **18. Trial:**

23 Plaintiff and defendant request a jury trial. The parties estimate that the length of trial will be
24 4 -- 6 days. Joseph S. Nierenberg will serve as lead trial attorney for plaintiff. Shawn Toliver will
25 serve as lead trial attorney for defendant.

26 **19. Disclosure of Non-party Interested Entities or Persons:**

27 Both parties have filed their Certifications of Interested Entities or Persons. Pursuant to Local
28 Rule 3-15, both parties certify that as of this date, there is no interest to report.

1 **20. Professional Conduct:**

2 Both parties have reviewed the Guidelines for Professional Conduct for the Northern District
3 of California.

4 **21. Other:**

5 None.

6
7 DATED: December 15, 2016

LAW OFFICES OF WEBER & NIERENBERG

8
9 By: /s/ Joseph S. Nierenberg

10 Joseph S. Nierenberg
11 Attorneys for Plaintiff
CHRISTOPHER DANIEL KNOWLES

12 DATED: December 15, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

13
14 By: /s/ Colin E. Howard

15 Shawn A. Toliver
16 Charlene P. Rosack
17 Colin E. Howard
Attorneys for Defendant
EDWIN HONORIO MORALES-CORTES

18 **CASE MANAGEMENT ORDER**

19 The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is
20 approved as the Case Management Order for this case and all parties shall comply with its provisions.

21 [In addition, the Court makes the further orders stated below:]

22
23
24
25 **IT IS SO ORDERED.**

26 DATED:

27 _____
UNITED STATES DISTRICT/MAGISTRATE JUDGE